

House Study Bill 85 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S OFFICE
OF DRUG CONTROL POLICY
BILL)

A BILL FOR

1 An Act relating to granting authority to the board of pharmacy
2 to temporarily designate a substance a controlled substance,
3 classifying certain synthetic cannabinoids as schedule I
4 controlled substances, and providing penalties and making
5 penalties applicable.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.201, subsection 4, Code 2013, is
2 amended to read as follows:

3 4. a. If any new substance is designated as a controlled
4 substance under federal law and notice of the designation is
5 given to the board, the board shall similarly designate as
6 controlled the new substance under this chapter after the
7 expiration of thirty days from publication in the Federal
8 Register of a final order designating a new substance as a
9 controlled substance, unless within that thirty-day period
10 the board objects to the new designation. In that case the
11 board shall publish the reasons for objection and afford
12 all interested parties an opportunity to be heard. At
13 the conclusion of the hearing the board shall announce its
14 decision. Upon publication of objection to a new substance
15 being designated as a controlled substance under this chapter
16 by the board, control under this chapter is stayed until the
17 board publishes its decision.

18 b. If any new substance has not been designated as a
19 controlled substance under federal law and the board finds that
20 the substance poses an imminent hazard to public safety, the
21 board may designate the substance a controlled substance.

22 c. If a substance is designated as controlled by the board
23 under this subsection, the control shall be temporary and if
24 within sixty days after the next regular session of the general
25 assembly convenes it has not made the corresponding changes
26 in this chapter, the temporary designation of control of the
27 substance by the board shall be nullified.

28 Sec. 2. Section 124.204, subsection 4, paragraph ai,
29 subparagraph (5), subparagraph division (a), Code 2013, is
30 amended by adding the following new subparagraph subdivisions:

31 NEW SUBPARAGRAPH SUBDIVISION. (vi) 3-tetramethyl-
32 cyclopropanoylindole by substitution at the nitrogen atom of
33 the indole ring, whether or not further substituted in the
34 indole ring to any extent, whether or not substituted on the
35 cyclopropyl ring to any extent.

1 NEW SUBPARAGRAPH SUBDIVISION. (vii) 3-(1-adamantoyl)indole
2 by substitution at the nitrogen atom of the indole ring,
3 whether or not further substituted in the indole ring to any
4 extent, whether or not substituted on the adamantoyl ring to
5 any extent.

6 NEW SUBPARAGRAPH SUBDIVISION. (viii) N-(1-
7 adamantoyl)indazole-3-carboxamide by substitution at the
8 1-nitrogen atom of the indazole ring, whether or not further
9 substituted in the indazole ring to any extent, whether or not
10 substituted on the adamantoyl ring to any extent.

11 Sec. 3. Section 124.204, subsection 4, paragraph ai,
12 subparagraph (5), subparagraph division (b), Code 2013, is
13 amended by adding the following new subparagraph subdivisions:

14 NEW SUBPARAGRAPH SUBDIVISION. (xvi) UR-144

15 NEW SUBPARAGRAPH SUBDIVISION. (xvii) XLR-11

16 NEW SUBPARAGRAPH SUBDIVISION. (xviii) A-796,260

17 NEW SUBPARAGRAPH SUBDIVISION. (xix) AM-1248

18 NEW SUBPARAGRAPH SUBDIVISION. (xx) AB-001

19 NEW SUBPARAGRAPH SUBDIVISION. (xxi) AKB-48

20 Sec. 4. Section 124.401, subsection 1, paragraph d, Code
21 2013, is amended to read as follows:

22 d. Violation of this subsection, with respect to any other
23 controlled substances, counterfeit substances, or simulated
24 controlled substances ~~classified in section 124.204, subsection~~
25 ~~4, paragraph "ai", section 124.204, subsection 6, paragraph "i",~~
26 ~~or~~ classified in schedule IV or V is an aggravated misdemeanor.
27 However, violation of this subsection involving any controlled
28 substances, counterfeit substances, or simulated controlled
29 substances classified in section 124.204, subsection 4,
30 paragraph "ai", or section 124.204, subsection 6, paragraph "i",
31 involving fifty kilograms or less of marijuana, or involving
32 flunitrazepam is a class "D" felony.

33 EXPLANATION

34 This bill grants authority to the board of pharmacy to
35 temporarily designate a substance a controlled substance,

1 classifies certain synthetic cannabinoids as schedule I
2 controlled substances, and provides penalties and makes
3 penalties applicable.

4 BOARD OF PHARMACY AUTHORITY — CONTROLLED SUBSTANCES.

5 The bill specifies that if any new substance has not been
6 designated a controlled substance under federal law and the
7 board of pharmacy finds that the substance poses an imminent
8 hazard to public safety, the board may designate the substance
9 a controlled substance. If a substance is designated as a
10 controlled substance by the board pursuant to the bill, the
11 control shall be temporary and, if within 60 days after the
12 next regular session of the general assembly convenes, the
13 substance has not been classified as a controlled substance
14 by the general assembly, the temporary controlled substance
15 designation by the board is nullified.

16 SCHEDULE I CONTROLLED SUBSTANCES — SYNTHETIC CANNABINOIDS.

17 The bill adds certain synthetic cannabinoids to the list of
18 schedule I controlled substances in Code section 124.204
19 (4)(ai).

20 CRIMINAL PENALTIES.

21 MANUFACTURE, DELIVERY, OR POSSESSION WITH INTENT TO DELIVER
22 — CERTAIN SCHEDULE I CONTROLLED SUBSTANCES. Under current
23 law, it is an aggravated misdemeanor pursuant to Code section
24 124.401(1)(d) for any unauthorized person to manufacture,
25 deliver, or possess with the intent to manufacture or deliver a
26 cannibimimetic agent or a synthetic cathinone classified as a
27 schedule I controlled substance in Code section 124.204(4)(ai)
28 or 124.204(6)(i), including its counterfeit or simulated form,
29 or to act with, enter into a common scheme or design with, or
30 conspire with one or more persons to manufacture, deliver, or
31 possess with intent to manufacture or deliver such a schedule
32 I controlled substance. The bill increases the penalties for
33 violations of these provisions to a class "D" felony.

34 POSSESSION — SCHEDULE I CONTROLLED SUBSTANCES. A class "D"
35 felony is punishable by confinement for no more than five years

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1 and a fine of at least \$750 but not more than \$7,500. A serious
2 misdemeanor is punishable by confinement for no more than one
3 year and a fine of at least \$315 but not more than \$1,875. An
4 aggravated misdemeanor is punishable by confinement for no more
5 than two years and a fine of at least \$625 but not more than
6 \$6,250.